

UNITED STATES DISTRICT COURT  
IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

ANTHONY FISHER AND  
MARY WORTHY, individually and on  
behalf of their martial community

Plaintiffs

vs.

MANN BRACKEN, L.L.P. AND  
ESKANOS & ADLER, P.C.

Defendants.

NO. CV-09-175-RHW

ANSWER TO COMPLAINT

Mann Bracken, L.L.P., formerly Mann Bracken, L.L.C., successor by  
merger to Eskanos & Adler, P.C., in answer to the Complaint filed herein states  
as follows:

FIRST DEFENSE

1. Upon information and belief, Defendant admits the allegations in

Paragraph 1 of the Complaint.

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1 2. In answer to the allegations in Paragraph 2 of the Complaint,  
2 Defendant avers that it is a limited liability partnership engaged in the  
3 practice of law and employs a licensed attorney in the State of  
4 Washington.

5  
6  
7 3. In answer to the allegations in Paragraph 3 of the Complaint,  
8 Defendant avers that Eskanos & Adler, P.C. merged into Mann  
9 Bracken, L.L.P. on July 1, 2008 and is no longer a separate legal  
10 entity.

11  
12 4. Defendant admits the allegations in Paragraph 4 of the Complaint.

13  
14 5. Defendant is without sufficient information to admit or deny the  
15 allegations in Paragraph 5 of the Complaint.

16  
17 6. In answer to the allegations in Paragraph 6 of the Complaint,  
18 Defendant admits that it sent a Notice of Intention, and avers that the  
19 contents of the letter speak for themselves.

20  
21 7. Defendant is without sufficient information to admit or deny the  
22 allegations in Paragraph 7 of the Complaint.

23  
24 8. Defendant denies the allegations in Paragraph 8 of the Complaint.

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1 9. In answer to the allegations in Paragraph 9 of the Complaint,  
2 Defendant is without sufficient knowledge to admit that Plaintiffs'  
3 attorney sent a June 17, 2008 letter, admits it received a letter dated  
4 July 17, 2008, and further avers that the contents of the July 17, 2008  
5 letter speak for themselves.  
6

7  
8 10. Defendant denies the allegations in Paragraph 10 of the Complaint.

9  
10 11. In answer to the allegations in Paragraph 11 of the Complaint,  
11 Defendant admits that it sent a letter and avers that the contents of the  
12 letter speak for themselves.  
13

14 12. Defendant is without sufficient information to admit or deny the  
15 allegations in Paragraph 12 of the Complaint.  
16

17 13. Defendant denies the allegations in Paragraph 13 of the Complaint.

18 14. In answer to the allegations in Paragraph 14 of the Complaint,  
19 Defendant realleges and incorporates by reference its answer to the  
20 preceding paragraphs.  
21

22 15. Defendant denies the allegations in Paragraph 15 of the Complaint.  
23

24 16. Defendant denies the allegations in Paragraph 16 of the Complaint.  
25

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1 17. In answer to the allegations in Paragraph 17 of the Complaint,  
2 Defendant realleges and incorporates by reference its answer to the  
3 preceding paragraphs.  
4

5 18. The allegations in Paragraph 18 of the Complaint relate to a legal  
6 conclusion for which an answer either admitting or denying the  
7 assertions is not required.  
8

9 19. Defendant denies the allegations in Paragraph 19 of the Complaint.  
10

11 20. Defendant denies the allegations in Paragraph 20 of the Complaint.  
12

13 21. In answer to the allegations in Paragraph 21 of the Complaint,  
14 Defendant realleges and incorporates by reference its answer to the  
15 preceding paragraphs.  
16

17 22. Defendant denies the allegations in Paragraph 22 of the Complaint.  
18

19 23. Defendant denies the allegations in Paragraph 23 of the Complaint.  
20

21 24. In answer to the allegations in Paragraph 24 of the Complaint,  
22 Defendant realleges and incorporates by reference its answer to the  
23 preceding paragraphs.

24 25. Defendant denies the allegations in Paragraph 25 of the Complaint.  
25

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1 26-30. The Complaint served upon the Defendant does not include  
2 paragraphs 25 through 30.  
3

4 31. Defendant denies the allegations in Paragraph 31 of the Complaint.

5 32. Defendant denies the allegations in Paragraph 32 of the Complaint.  
6

7 SECOND DEFENSE

8 The Complaint fails to set forth the cause of action for which relief may  
9 be granted.  
10

11 THIRD DEFENSE

12 The purported claims set forth in the Complaint are barred in whole or in  
13 part by the applicable statute of limitations.  
14

15 WHEREFORE, upon premises considered, Defendant asks that  
16 Plaintiff's Complaint be dismissed, with prejudice and that it be awarded all of  
17 its costs, expenses and attorney fees.  
18

19 DATED this 8th day of June, 2009.  
20

21  
22 /s/ Stephen A. Bernheim  
23 Stephen A. Bernheim, WSBA #15225  
24 Attorney for Defendants

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CERTIFICATE OF SERVICE

On June 8, 2009, the undersigned deposited in the mails of the United States of America, true and conformed copies of the within document, addressed to:

Lisa R. J. Porter, Esquire  
Johnson Porter Law Office, PC  
10260 SW Greenburg Road, Suite 400  
Portland, OR 97223  
Attorney for Plaintiff

EXECUTED at Edmonds, Washington this 8th day of June, 2009.

/s/ Sherri L. Simonoff  
Sherri L. Simonoff

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